

EXHIBIT E

David Roy Southwell - 3/28/2019

<p style="text-align: center;">1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA</p> <p>RYSTA LEONA SUSMAN, both individually and as Legal Guardian of SHANE ALLEN LOVELAND, et al.,</p> <p>Plaintiffs, Case No. 8:18-cv-00127</p> <p>v. THE GOODYEAR TIRE & RUBBER COMPANY,</p> <p>Defendant.</p> <hr/> <p>DEPOSITION OF DAVID ROY SOUTHWELL</p> <p>March 28, 2019</p> <p>9:00 a.m.</p> <p>Colville & Dippel 1309 E. Broadway Boulevard Tucson, Arizona 85719</p> <p>EPIQ COURT REPORTING 240 West 35th Street 8th Floor New York, New York 10001 (212) 557-7400 Prepared by: Sandra Marruffo, R.P.R., AZ C.R. 50815</p>	<p style="text-align: center;">3</p> <p>1 INDEX OF EXAMINATION 2 3 WITNESS: DAVID ROY SOUTHWELL 4 5 EXAMINATION PAGE 6 By Mr. Bott 5, 184 7 By Mr. Farrar 179 8 9 10 INDEX TO EXHIBITS 11 NO. DESCRIPTION PAGE 12 EXHIBIT 1 Handwritten notes by David Southwell 8 in preparation for deposition 13 14 EXHIBIT 2 Images attached to David Southwell's 86 report, photographs and X-rays 15 EXHIBIT 3 Diagram of tire drawn by David 122 Southwell 16 EXHIBIT 4 Photos 128 17 EXHIBIT 5 Photos of left rear tire 128 18 EXHIBIT 6 Photos of left front tire 128 19 EXHIBIT 7 David Southwell's Curriculum Vitae 176 20 EXHIBIT 8 David Southwell's Case List 176 21 22 23 24 25</p>
<p style="text-align: center;">2</p> <p>1 The deposition of DAVID ROY SOUTHWELL, 2 noticed by Edward S. Bott, Jr., was taken on March 28, 3 2019, from 9:00 a.m. to 2:33 p.m., at the Offices of 4 Colville & Dippel, 1309 E. Broadway Boulevard, 5 Tucson, Arizona, 85719, before Sandra Marruffo, Arizona 6 certified reporter No. 50815.</p> <p>7 8 APPEARANCES OF COUNSEL 9 10 Attorneys for The Goodyear Tire & Rubber Company: 11 12 13 14 15 Attorneys for the Plaintiffs: 16 KASTER, LYNCH, FARRAR & BALL, LLP 17 BY: Kyle W. Farrar 18 1010 Lamar Suite 1600 19 Houston, TX 77002 kyle@fbtrial.com 20 ALSO PRESENT: Christian Teare, Videographer 21 22 23 24 25</p>	<p style="text-align: center;">4</p> <p>1 TRANSCRIPT OF DEPOSITION 2 * * * 3 4 THE VIDEOGRAPHER: Good morning. We are 5 on the record. This is Disk No. 1 in the deposition of 6 David Southwell taken in the matter of Susman, et al., 7 versus Goodyear Tire & Rubber Company. It's in the 8 U.S. District Court, District of Nebraska. It's 9 Case 8:18-cv-00127. Today's date is Thursday, 10 March 28th, 2019, and the time is 9:00 a.m. 11 My name's Christian Teare, a legal video 12 specialist with Epiq Court Reporting. 13 This deposition is taking place at 14 1309 East Broadway Boulevard in Tucson, Arizona. 15 The certified shorthand reporter is Sandy 16 Marruffo with Epiq Court Reporting located at 311 South 17 Wacker Drive, Suite 350, in Chicago, Illinois. 18 If Counsel would please state their 19 appearances, the reporter will swear in the witness. 20 MR. FARRAR: Kyle Farrar for the 21 plaintiffs. 22 MR. BOTT: Ed Bott for Goodyear. 23 * * * 24 25</p>

1 (Pages 1 to 4)

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<p>13</p> <p>1 A. I will, yeah.</p> <p>2 Q. That's fine. Now, I want to take, first, kind</p> <p>3 of a high-level broad view of what I glean from your</p> <p>4 report in terms of your opinions. Okay?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Break it down a little bit?</p> <p>7 A. Yes.</p> <p>8 Q. The first thing I note is that you state that</p> <p>9 there are -- that "There exists 'extensive areas' of</p> <p>10 harder and more brittle rubber in the belt skim coat and</p> <p>11 other compounds that have been affected by thermal</p> <p>12 oxidative degradation"?</p> <p>13 A. Yes.</p> <p>14 Q. Did I state that correctly?</p> <p>15 A. Yes, I think so.</p> <p>16 Q. And you specifically, then, point to design</p> <p>17 measures which are, in your judgment, successful at</p> <p>18 reducing thermal oxidative degradation, including the</p> <p>19 inner liner compound formula?</p> <p>20 A. Yes.</p> <p>21 Q. Inner liner cured gauge?</p> <p>22 A. Yes.</p> <p>23 Q. And antioxidative additives to the skim coats</p> <p>24 and the compounds?</p> <p>25 A. Yes.</p>	<p>15</p> <p>1 oxidation.</p> <p>2 Q. Well, whether it's meaningless or not, I</p> <p>3 suppose can be debated. But my question is, looking at</p> <p>4 the inner liner gauge alone in this tire, are you</p> <p>5 testifying to a reasonable degree of engineering</p> <p>6 certainty that the cured inner liner gauge was</p> <p>7 unreasonably dangerous?</p> <p>8 A. Not specifically, no.</p> <p>9 Q. And are you testifying to a reasonable degree</p> <p>10 of engineering certainty that the inner liner compound</p> <p>11 that was used was unreasonably dangerous?</p> <p>12 A. Well, again, I can't be specific about that</p> <p>13 because I don't have that information.</p> <p>14 Q. I'm -- I need to parcel this out, if you can,</p> <p>15 whether it's -- I understand where -- where you're coming</p> <p>16 from, but I need an answer to this question, whether you</p> <p>17 can state to a reasonable -- reasonable degree of</p> <p>18 engineering certainty that this liner compound was</p> <p>19 defective and unreasonably dangerous.</p> <p>20 A. Again, I can't be specific about that --</p> <p>21 Q. All right.</p> <p>22 A. -- because that information has not been</p> <p>23 provided by Goodyear.</p> <p>24 Q. Do you hold an opinion to a reasonable degree</p> <p>25 of engineering certainty that this tire was defective and</p>
<p>14</p> <p>1 Q. All right. Is it your opinion to a reasonable</p> <p>2 degree of engineering certainty that this tire, the tire</p> <p>3 at issue in this case, was defective in design because of</p> <p>4 the inner liner compound that was used?</p> <p>5 A. I can't be definitive about that because</p> <p>6 Goodyear have not provided that information.</p> <p>7 Q. So the answer to that is, as of today, you are</p> <p>8 unable to give that -- you do not have that opinion,</p> <p>9 correct?</p> <p>10 A. Not specifically about the compound of the</p> <p>11 liner. My opinion is that the design of the tire, which</p> <p>12 incorporates the inner liner compound, the gauge and the</p> <p>13 antioxidants, was inadequate and caused the tire to</p> <p>14 oxidize. But I can't be specific about the compound</p> <p>15 element of that because I don't have that information.</p> <p>16 Q. Okay. Same question with regard to the inner</p> <p>17 liner cured gauge. Do you hold an opinion that this tire</p> <p>18 was defective because of the cured gauge of the inner</p> <p>19 liner that was on this tire?</p> <p>20 A. Well, again, the inner liner gauge is -- is</p> <p>21 a -- an element or design parameter that can be changed</p> <p>22 to change the rate at which the -- the skim coat</p> <p>23 compounds will oxidize. But taking the gauge in</p> <p>24 isolation is -- is in many ways meaningless. You have to</p> <p>25 consider all of the factors that -- that affect</p>	<p>16</p> <p>1 unreasonably dangerous because of the oxidative agents</p> <p>2 that were used or not used in the skim coat and</p> <p>3 compounds?</p> <p>4 A. Well, again, that information has not been</p> <p>5 provided by Goodyear so I can't be definitive about that.</p> <p>6 Q. So the answer is, as of today, you do not hold</p> <p>7 that opinion, correct?</p> <p>8 A. Well, I don't hold an opinion either way on</p> <p>9 that because I don't have that level of detail.</p> <p>10 Q. Your report also contains an opinion that the</p> <p>11 steel belts around the subject tire exhibit significant</p> <p>12 lateral displacement around the tire, which increase the</p> <p>13 overall durability load on the tire, making it more</p> <p>14 susceptible to failure?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. This, I assume, would be a manufacturing</p> <p>17 defect opinion?</p> <p>18 A. Yes.</p> <p>19 Q. As opposed to the one we just discussed, that</p> <p>20 would be a design-related issue, correct?</p> <p>21 A. Well, it could be both in the sense that if the</p> <p>22 design allows for excessive lateral variation, then the</p> <p>23 design is defective. If the design does not allow for</p> <p>24 excessive lateral deviation in the location of the belts</p> <p>25 and the belts exceed the specification, then, in my view,</p>

4 (Pages 13 to 16)